



## Notice of NON KEY Executive Decision containing exempt information

This Executive Decision Report is part exempt and Appendices A is not available for public inspection as it contain) or relates to exempt information within the meaning of paragraph 1 and 3 of Schedule 12A to the Local Government Act 1972. It is exempt because it refers to financial and business affairs of the Tenant and the public interest in maintaining the exemption outweighs the public interest in disclosing the information

<b>Subject Heading:</b>	<b>Subject Property:</b>  <ol style="list-style-type: none"><li>1. 74 Macdonald Avenue,</li><li>2. Park Lane,</li><li>3. Rainham Recreation Ground,</li><li>4. Adj to 87 Fyfield Road and</li><li>5. Stewart Avenue</li></ol> Event: Sub Station Rent Reviews
<b>Decision Maker:</b>	Mark Butler – Assistant Director of Regeneration and Place Shaping

**Non-key Executive Decision**

<b>Cabinet Member:</b>	Councillor Paul McGeary – Cabinet Member for Housing and Property
<b>ELT Lead:</b>	Neil Stubbings - Strategic Director of Place
<b>Report Author and contact details:</b>	London Borough of Havering (LBH) Dale Wilkins Commercial Property Manager Property Services Town Hall Main Street Romford RM1 3AR Tel: 01708 433 669 E: <a href="mailto:dale.wilkins@haverling.gov.uk">dale.wilkins@haverling.gov.uk</a>
<b>Policy context:</b>	Asset Management Plan
<b>Financial summary:</b>	The financial aspects for the transaction are detailed in the EXEMPT Appendix A to this Report
<b>Relevant Overview &amp; Scrutiny Sub Committee:</b>	Place
<b>Is this decision exempt from being called-in?</b>	<b>The decision will be exempt from call in as it is a Non key Decision</b>

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**The subject matter of this report deals with the following Council Objectives**

- People - Things that matter for residents ( )
- Place - A great place to live, work and enjoy (x)
- Resources - A well run Council that delivers for People and Place. ( )

**Part A – Report seeking decision**

**DETAIL OF THE DECISION REQUESTED AND RECOMMENDED ACTION**

**Background**

The above properties are held on individual lease agreements by EDF but now UKPN. Each lease provides a formula for determining the rent at review which is undertaken every 5 years, specifically

(ii) the current passing rent at the relevant review date revised using the following formula:-

$$A \times \frac{B}{C}$$

A = the current passing rent;

B = the figure of the Retail Price Index three months immediately preceding the relevant review date; and

C = the figure of the Retail Price Index three months immediately preceding the previous review date or in the case of the first review the rent commencement date

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This report therefore seeks to implement this mid-term review in accordance with the terms of the lease and the formula detailed above and as set out in the appendices.

A letter setting out the rent review will be issued to the tenant on approval of this report.

### **Recommendations**

It is recommended that the Council agrees that the Commercial Property Manager, London Borough of Havering - Property Services to complete the rent reviews and to complete the matter.

### **Decisions**

Formal authority is hereby given for the Commercial Property Manager, London Borough of Havering - Property Services to complete the rent reviews and to complete the matter.

### **AUTHORITY UNDER WHICH DECISION IS MADE**

Havering Council's Constitution Part 3.3 scheme 3.3.5 (2nd April 2024 - current)

8.1 To be the Council's designated corporate property officer, responsible for the strategic management of the Council's property portfolio, including corporate strategy and asset management, procurement of property and property services, planned and preventative maintenance programmes, property allocation, security and use, reviews, acquisitions and disposals, and commercial estate management.

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**STATEMENT OF THE REASONS FOR THE DECISION**

This decision is to authorise the rent review in accordance with the lease terms.

**OTHER OPTIONS CONSIDERED AND REJECTED**

Option: To proceed with the rent review

Rejected: There is no reason not to implement the rent review which will provide the Council an increase in rental income.

**PRE-DECISION CONSULTATION**

The Commercial Property Manager has been in direct contact with the tenant to agree the rent review.

**NAME AND JOB TITLE OF STAFF MEMBER ADVISING THE DECISION-MAKER**

Name: Dale Wilkins

**Non-key Executive Decision**

Designation: Commercial Property Manager

A handwritten signature in black ink, appearing to be 'J. H. H.', with a long horizontal flourish extending to the right.

Signature:

Date: Monday 21<sup>st</sup> October 2024

## Part B - Assessment of implications and risks

### **LEGAL IMPLICATIONS AND RISKS**

1. The council has a general power of competence under Section 1 of the Localism Act 2011, which gives the power to do anything an individual can do, subject to any statutory constraints on the council's powers ("the General Power"). The recommendations in this report are in keeping with the General Power.

**2. Local Government Act 1972 Section 111 Subsidiary powers of local authorities**

Without prejudice to any powers exercisable apart from this section but subject to the provisions of this Act and any other enactment passed before or after this Act, a local authority shall have power to do anything (whether or not involving the expenditure, borrowing or lending of money or the acquisition or disposal of any property or rights) which is calculated to facilitate, or is conducive or incidental to, the discharge of any of their functions.

### **FINANCIAL IMPLICATIONS AND RISKS**

The rent review will generate additional rental income for the Council during the lease term.

### **HUMAN RESOURCES IMPLICATIONS AND RISKS (AND ACCOMMODATION IMPLICATIONS WHERE RELEVANT)**

No human resources implications and risks have been identified.

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**EQUALITIES AND SOCIAL INCLUSION IMPLICATIONS AND RISKS**

The Public Sector Equality Duty (PSED) under section 149 of the Equality Act 2010 requires the Council, when exercising its functions, to have 'due regard' to:

- (i) The need to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;
- (ii) The need to advance equality of opportunity between persons who share protected characteristics and those who do not, and;
- (iii) Foster good relations between those who have protected characteristics and those who do not.

Note: 'Protected characteristics' are age, sex, race, disability, sexual orientation, marriage and civil partnerships, religion or belief, pregnancy and maternity and gender reassignment.

The Council is committed to all of the above in the provision, procurement and commissioning of its services, and the employment of its workforce. In addition, the Council is also committed to improving the quality of life and wellbeing for all Havering residents in respect of socio-economics and health determinants.

An EqHIA (Equality and Health Impact Assessment) is usually carried out when a proposed or planned activity is likely to affect staff, service users, or other residents.

The Council seeks to ensure equality, inclusion, and dignity for all in all situations.

There are no equalities and social inclusion implications and risks associated with this decision.

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**ENVIRONMENTAL AND CLIMATE CHANGE IMPLICATIONS AND RISKS**

No Environmental and Climate Change implications identified.

**BACKGROUND PAPERS**

None

**APPENDICES**

Exempt Appendix A – Financial Report

Non-key Executive Decision


**Part C – Record of decision**

I have made this executive decision in accordance with authority delegated to me by the Leader of the Council and in compliance with the requirements of the Constitution.

**Decision**

Decision Agreed

**Details of decision maker**

Signed 

Name: Mark Butler

Position: Assistant Director of Regeneration and Place Shaping

Date: 22<sup>nd</sup> October 2024

**Lodging this notice**

The signed decision notice must be delivered to Democratic Services, in the Town Hall.

**For use by Committee Administration**

This notice was lodged with me on \_\_\_\_\_

**Non-key Executive Decision**

Signed \_\_\_\_\_